

Message

From: Byrne, Andrew [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7780BA77939E4CB3A5F8AED1EDA8C70A-BYRNE, ANDREW]
Sent: 7/13/2020 7:03:35 PM
To: Garnett, Desean [Garnett.Desean@epa.gov]; Siegal, Tod [Siegal.Tod@epa.gov]
CC: Wehling, Carrie [Wehling.Carrie@epa.gov]
Subject: RE: Letter from NNEPA Executive Director to NMED Cabinet Secretary and Deputy Secretary

FYI only, the 3:30pm ET call today does not involve the NGWSP, it is an administrative EPA-Navajo relationship meeting.

Andy Byrne

American Indian Environmental Office
Office of International and Tribal Affairs
U.S. Environmental Protection Agency
(202) 564-3836 (desk)
(202) 322-8607 (mobile)

Creating Tangible Environmental Results with Tribes
Find out more at www.epa.gov/tribal

From: Byrne, Andrew
Sent: Monday, July 13, 2020 11:49 AM
To: Garnett, Desean <Garnett.Desean@epa.gov>; Siegal, Tod <Siegal.Tod@epa.gov>
Cc: Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: RE: Letter from NNEPA Executive Director to NMED Cabinet Secretary and Deputy Secretary

Hi Desean – thanks for looping us in. FYI, there is a “Discussion: Navajo Nation” calendar invite today at 3:30pmET with OITA, R6, and R9 management (RAs, I believe). Let’s touch base if we hear anything that comes out of that meeting, assuming it is on this issue.

Andy Byrne

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From: Garnett, Desean <Garnett.Desean@epa.gov>
Sent: Friday, July 10, 2020 9:04 PM
To: Siegal, Tod <Siegal.Tod@epa.gov>
Cc: Byrne, Andrew <Byrne.Andrew@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: RE: Letter from NNEPA Executive Director to NMED Cabinet Secretary and Deputy Secretary

Thanks Tod. I just received a message from my regional counsel saying that the RA has pulled in her into this, so she wants to talk soon. I’ll look at calendars and set up something for late next week or sometime early in the following week. I’ll also include the Region 6 attorney involved in this matter who is understandably busy unwrapping the McGirt decision.

Desean Garnett
Attorney-Advisor
U.S. EPA Region 9
(415) 972-3046

From: Siegal, Tod <Siegal.Tod@epa.gov>
Sent: Friday, July 10, 2020 4:57 PM
To: Garnett, Desean <Garnett.Desean@epa.gov>
Cc: Byrne, Andrew <Byrne.Andrew@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: FW: Letter from NNEPA Executive Director to NMED Cabinet Secretary and Deputy Secretary

Desean: I'm adding Carrie Wehling, who leads the SDWA practice in OGC.

Carrie: You'll see from Desean's message below and the attached Outlook string and letter that Navajo is interested in asserting jurisdiction over elements of a cross-jurisdictional system that are significant to the Tribe, but that appear to fall under New Mexico's jurisdiction. It looks like an intergovernmental MOU was close to being finalized re: the overall system, but that Navajo is now seeking assistance (including on the Hill) to assert wider jurisdiction.

Desean: I haven't had a chance to dig into the materials/issues yet, but will try to do so shortly. Can we look for a time to discuss, preferably later next week or the week after (unless there's greater time pressure).

Thanks.

Tod Siegal
U.S. EPA, Office of General Counsel
Cross-Cutting Issues Law Office
202-564-5552

From: Garnett, Desean <Garnett.Desean@epa.gov>
Sent: Friday, July 10, 2020 3:05 PM
To: Siegal, Tod <Siegal.Tod@epa.gov>
Cc: Byrne, Andrew <Byrne.Andrew@epa.gov>
Subject: FW: Letter from NNEPA Executive Director to NMED Cabinet Secretary and Deputy Secretary

Internal/deliberative

Tod,

The Navajo Nation is asking Congress to intervene on regulation of the Navajo Gallup Water Supply Project. Despite the state of New Mexico having primacy for regulation of the Cutter Lateral Water Treatment Plant, Navajo is arguing for regulatory jurisdiction over the entire Cutter Lateral since the water will be primarily serving Navajo residents. The attached email explains the issue in more detail.

Ex. 5 Deliberative Process (DP)

Thanks
Desean

Desean Garnett
Attorney-Advisor

U.S. EPA Region 9
(415) 972-3046

From: Becker, Kathryn, NMENV <kathryn.becker@state.nm.us>

Sent: Thursday, July 9, 2020 8:19 AM

To: Alvarado, Tina <Alvarado.Tina@epa.gov>; Garnett, Desean <Garnett.Desean@epa.gov>; Jill Grant <jgrant@jillgrantlaw.com>

Subject: FW: Letter from NNEPA Executive Director to NMED Cabinet Secretary and Deputy Secretary

Beyond flabbergasted.